

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 11736 of 2007(V)

PETITIONER:

O.THAJUDHEEN, S/O.LATE OMMER,
RESIDING AT KANANA HOUSE,
M.O.WARD, ALAPPUZHA.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

1. M/S.IVY ASSOCIATES, A FIRM REPRESENTED
BY ITS PARTNER R.RAVEENDRAN,
S/O.RAMAKRISHNA PANICKER,
RESIDING AT LAKSHMI NIVAS,
CHUNGAM WARD, IRON BRIDGES P.O.,
ALAPPUZHA.
2. THE SECRETARY, ALAPPUZHA MUNICIPALITY,
MUNICIPAL OFFICE, ALAPPUZHA.

R2 BY SRI.M.K.CHANDRAMOHAN DAS - SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04/04/2007, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No.11736 2007 V

Dated this the 4th day of April, 2007.

JUDGMENT

The case of the petitioner is that the status of the first respondent, in the building belonging to the petitioner, is only that of a trespasser. No tenancy agreement, much less any lease agreement has been executed between the petitioner and the first respondent. But, it is conceded that the first respondent, in anticipation of a lease agreement, has been permitted to do painting works.

2. Now, it is alleged that on the strength of the permission given by the petitioner to the first respondent to doing painting work of the building, the first respondent has applied for a licence to the second respondent and the grievance is that the 2nd respondent Municipality is about to issue licence to the first respondent.

3. I do not propose to go into the merits of the case. The petitioner has submitted Ext.P1 representation to the Municipality requesting that licence may not be issued to

the first respondent, since it is seen that the first respondent has applied for a licence. Shri.M.K.Chandra Mohandas, who is appearing for the second respondent, submits that the question issuance of licence to the first respondent will be decided only after hearing the petitioner also.

Under these circumstances, the writ petition will stand disposed of directing the 2nd respondent Municipality to take a decision on the application for licence submitted by the first respondent, only after hearing the petitioner on Ext.P1 application submitted by him. The decision on the application for licence, as directed above, will be taken at the earliest, at any rate within one month from today.

Sd/-

(PIUS C. KURIAKOSE)
JUDGE

sk/

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P.S. To Judge

PIUS C. KURIAKOSE, J.

W.P.(C) No.11736 2007 V

JUDGMENT

4th April, 2007.
